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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,410	12/11/2003	Terri P. Cleveland	89843.108402	1166
23469	7590	03/22/2006		
JAECKLE FLEISCHMANN & MUGEL, LLP 190 Linden Oaks ROCHESTER, NY 14625-2812			EXAMINER DOOLEY, JAMES C	
			ART UNIT	PAPER NUMBER
			3634	

DATE MAILED: 03/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/734,410	<b>Applicant(s)</b> CLEVELAND ET AL.	
	<b>Examiner</b> James C. Dooley	<b>Art Unit</b> 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This Final Office Action is mailed in response to amendment filed 1/11/2006, wherein claims 1, 4-6, 8-11, and 13-15 were amended and claims 2-3, 7, and 12 were presented as original.

#### ***Claim Objections***

Claim 6 is objected to because of the following informalities: in line 3 --the-- should be inserted before "panel". Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8, 10-12, and 14-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Royal (US 6,076,906). Royal discloses an enclosure (12) having a top (14), bottom (16), and sidewalls (18,20). The enclosure has a panel (52) slidably positioned within the enclosure by means of slides (42,44) and coupled to the first surface (i.e. inner surface of panel 52) of the panel is a gun rack comprising sides 48,54, and 56. Applicant's broad recitation "a gun rack" is considered to be met by the Royal '906 reference, which shows a rack, since the reference is considered to be capable of functioning as a gun rack to the same degree and in the same manner as the claimed recitation noted.

With respect to claim 2, Royal discloses the gun rack (48,54,56) comprising an upper barrel receiving portion (including all shelves 56) and a lower lip (50). The configuration of the gun or barrel has not been claimed therefore, the broad recitation "barrel receiving portion" is considered to be met by Royal.

With respect to claim 3, the barrel receiving portion comprises a recess located between two adjacent shelves.

With respect to claim 4, Royal discloses a storage compartment coupled to the panel, seen as a recess between shelves that is not the barrel receiving portion. For the purpose of distinction the top three recesses will be called storage compartments, and the bottom three recesses will be called recesses for receiving gun barrels.

With respect to claim 5, as shown in figure 9, the slide (44) of Royal comprises two elements both labeled as "44": a rail (44) coupled to the second surface (i.e. outer surface) of the panel (52) and a track (44) coupled to the sidewall (18) by means of a protrusion (28).

With respect to claim 6, Royal discloses the panel (52) is pivotally coupled to the rail (44) relative to the enclosure by means of a hinge (36) on the protrusion.

With respect to claim 7, Royal discloses the track (44) is coupled to a protrusion (28).

With respect to claim 8, as shown in figure 3, the surface of the panel (52) is positioned at a distance from the sidewall (18) of the enclosure.

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With respect to claim 10, Royal discloses an enclosure (12), a panel (52), a gun rack (48, 54, and 56), barrel receiving portions (between adjacent shelves 56), and a rail (44) coupled to the panel cooperating with a track (44) coupled to the sidewall (18) by means of a pivotal protrusion (28).

With respect to claim 11, Royal discloses a storage compartment (recesses) coupled to the panel.

With respect to claim 12, as discussed above the barrel receiving portion comprises the bottom three recess between the shelves (56).

With respect to claim 14, Royal discloses an enclosure (12) having a panel (52), gun rack (48, 54, and 56), and means for sliding (44) the panel into and out of the interior compartment.

With respect to claim 15, Royal discloses a means for pivoting the panel (36).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Royal as applied to claims 1-8, 10-12, and 14-15 above, and further in view of Vertullo (US 6,220,682). Royal discloses an enclosure having a panel slidably and pivotally mounted within, where the panel has means for receiving gun barrels. Royal discloses the sidewall (18) to have mounting bracket (26) attached thereto but does not disclose a

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plurality of barrel receiving pieces coupled thereon. Vertullo disclose a storage enclosure (10) having a panel (82) slidably mounted within (Col. 3 lines 57-63) and means for receiving gun barrels on the panel (shelves 112). Vertullo also discloses a mounting bracket (42) mounted to the sidewall (26), and barrel receiving portions (44) coupled to the mounting bracket. Accordingly, it would have been obvious to one with ordinary skill in the art at the time of the invention to include the plurality of barrel receiving portions disclosed by Vertullo on the mounting bracket disclosed by Royal, so as to increase the storage capacity of the enclosure.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection. The new grounds of rejection were necessitated by the amendment changing "cabinet" to "panel" in the claims. The term panel would inherently include a panel in scope, whereas panel broadens the scope of the claims.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

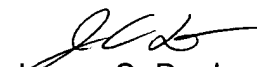
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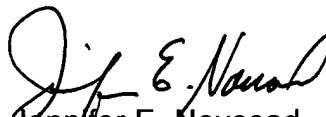
mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James C. Dooley whose telephone number is 571-2721679. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
James C. Dooley/jcd  
03/09/2006

  
Jennifer E. Novosad  
Primary Examiner  
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